

Message Text

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E.O. 11652: N/A

TAGS: CGEN, ASEC (CHERNYAYEV, RUDOLF)(ENGER, VALDIK)

SUBJECT: CURRENT SITUATION OF "WOODBIDGE TWO"
ESPIONAGE DEFENDANTS

REF: A. MOSCOW 17983, B. STATE 156728

1. CHERNYAYEV AND ENGER REMAIN OUT OF DETENTION AND HAVE NOT BEEN INTERROGATED OR OTHERWISE REQUIRED TO APPEAR SINCE THEIR JUNE 26 RELEASE UNDER DOBRYNIN'S ASSURANCES. THEY ARE SUBJECT TO THE USUAL TRAVEL RESTRICTIONS IMPOSED BY THE DEPARTMENT OF STATE UPON SOVIET DIPLOMATS, AND ARE FORBIDDEN BY THE NEWARK DISTRICT COURT TO LEAVE THE US PENDING RESOLUTION OF THEIR CASE.

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2. WHILE PRISONERS OUT ON BAIL IN THE US ARE USUALLY REQUIRED TO REPORT TO THE AUTHORITIES PERIODICALLY, OUR AUTHORITIES HAVE NOT REQUIRED CHERNYAYEV AND ENGER TO DO SO AT THIS TIME OUT OF RESPECT FOR AMBASSADOR DOBRYNIN.

3. ATTORNEYS FOR THE DEFENSE HAVE MADE A NUMBER OF ANTICIPATED PRETRIAL MOTIONS TO THE NEWARK DISTRICT COURT FOR DIS-

MISSAL OF THE CASE, FOR DISCOVERY AND FOR SUPPRESSION OF EVIDENCE. SEVERAL SUCH MOTIONS HAVE BEEN REJECTED BY THE COURT, BUT SOME, INCLUDING THE QUESTION OF DIPLOMATIC

IMMUNITY, HAVE BEEN TAKEN UNDER ADVISEMENT. TRIAL REMAINS SCHEDULED TO BEGIN SEPTEMBER 12.

4. IF CHERNYAYEV AND ENGER WERE QUESTIONED, OR REQUIRED TO APPEAR BEFORE THE AMERICAN AUTHORITIES, THEY WOULD OF COURSE BE ENTITLED TO HAVE THEIR DEFENSE COUNSEL PRESENT.

5. AT YOUR DISCRETION YOU MAY COMMUNICATE ANY OF THE ABOVE TO THE SOVIETS. VANCE

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